



1   
2 Chairman Phil Mendelson

  
Councilmember Kenyan R. McDuffie

3  
4  
5 A PROPOSED RESOLUTION  
6  
7

8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
9  
10

11 To declare the existence of an emergency with respect to the need to allow the Alcoholic  
12 Beverage and Cannabis Board to issue temporary non-resident registration identification  
13 cards that are valid for periods between 3 days and no longer than one year in length,  
14 allow licensed testing laboratories to receive and test samples of medical cannabis  
15 products from qualifying patients, allow licensed testing laboratories to conduct quality  
16 assurance or research and development testing for cultivation centers and manufacturers,  
17 amend the definition of a social equity applicant to include arrests and convictions of  
18 qualifying family members for a cannabis or drug offense, expand the list of eligible  
19 family members under the social equity applicant definition to include siblings and  
20 grandparents, clarify that existing licensed cultivation centers and retailers, and applicants  
21 that scored 150 points or more during the open application period that occurred between  
22 November 29, 2021 and March 28, 2022 that are authorized by statute to receive a  
23 cultivation center, manufacturer, or retailer license apart from a designated open  
24 application period are not counted in calculating the 50% set aside requirement, clarify  
25 that the five cultivation center registration applicants that scored 150 points or more  
26 during the same open application period shall automatically receive a manufacturer  
27 license provided they pay the annual fee and register with the ABC Board, allow the  
28 Alcoholic Beverage and Cannabis Board to issue conditional licenses to testing  
29 laboratory applicants, and to waive the application fee for testing laboratory licenses.  
30

31  
32 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
33 resolution may be cited as the “Medical Cannabis Clarification and Non-Resident Patient Access  
34 Emergency Declaration Resolution of 2023”.

35 Sec. 2. (a) First, there exists an immediate need to expand non-resident patient access at  
36 licensed retailers by making temporary non-resident patient registrations valid for periods other  
37 than 30 days.

38 (b) Non-resident access to medical cannabis is critical for visiting patients.  
39 Between October 20, 2022 and June 29, 2023, the Alcoholic Beverage and Cannabis  
40 Administration (ABCA) has issued approximately 13,489 temporary non-resident patient  
41 registrations. Non-resident temporary registrations have been issued to patients from all 50 states  
42 and approximately 33 countries. However, currently temporary non-resident patient registrations  
43 can only be issued for a 30-day period. This has resulted in requests from some visiting patients  
44 and stakeholders to be able to purchase a less expensive 3-day non-resident patient registration as  
45 they are only visiting the District for the weekend. Other non-resident patients and stakeholders  
46 have asked to be able to purchase a temporary non-resident patient registration that is valid for  
47 longer than a 30-day period as they are visiting the District for longer than 30 days. Allowing  
48 ABCA to issue temporary non-resident patient cards that are between 3 days and one year in  
49 length addresses both needs.

50 (c) Second, there exists an immediate need to expand the definition of a social equity  
51 applicant to: (1) include arrests and convictions of qualifying family members for a cannabis or  
52 drug-related offense, and (2) add siblings and grandparents to the list of eligible family members.

53 (d) The first open application period implementing the Medical Cannabis Amendment  
54 Act of 2022, which took effect on March 22, 2023, ends on June 30, 2023 and is limited to social  
55 equity applicants. As of June 27, 2023, ABCA has received 11 complete medical cannabis  
56 facility applications from social equity applicants for either a cultivation center, manufacturer, or  
57 courier license. All 11 complete social equity applications filed with ABCA by June 27, 2023  
58 are from returning citizens. None of the 11 social equity applications are from an eligible family  
59 member applicant with a qualifying family member who was incarcerated for a cannabis or drug-  
60 related offense.

61 (e) While the current social equity definition includes a returning citizen applicant's  
62 arrest, conviction, or incarceration for a cannabis or drug related offense, an eligible family  
63 member is only permitted to apply if the qualifying returning citizen was incarcerated for a  
64 cannabis or drug related offense. This inconsistency is addressed by including arrests and  
65 convictions of qualifying family members for a cannabis or drug offense. The list of eligible  
66 family members has also been expanded to add siblings and grandparents as their arrest,  
67 conviction, or incarceration for a cannabis or drug related offense can have a significant financial  
68 and emotional impact on other immediate family members.

69 (f) Third, the open application period for cultivation center, manufacturer, and courier  
70 licenses for non-social equity applicants begins on August 29, 2023. The Medical Cannabis  
71 Amendment Act of 2022 requires, with minor exceptions, that at least 50% of all cultivation  
72 center, manufacturer, and courier licenses be set aside for social equity applicants. There exists  
73 an immediate need to clarify that the number of cultivation center, manufacturer, and courier  
74 licenses available to non-social equity applicants beginning on August 29, 2023 is based upon  
75 the number of ABC Board approved social equity applicants for the open application period  
76 ending June 30, 2023, and does not take into account cultivation center, manufacturer, and  
77 retailer applicants that are statutorily permitted to be filed with ABCA apart from a designated  
78 open application period.

79 (g) Fourth, there is an immediate need to clarify that the five cultivation center  
80 registration applicants that scored 150 points or more as a result of the ABC Board open  
81 application period that occurred between November 29, 2021 and March 28, 2022 are  
82 automatically eligible to receive a manufacturer license provided they pay the annual fee and  
83 register with the ABC Board. This will help to shorten the timeline necessary for these five

84 cultivation centers to increase the production of and the availability of medical cannabis products  
85 in the District.

86 (h) Four of the five cultivation center registration applicants that scored 150 points or  
87 more as a result of the open application period have been designated by the Department of Small  
88 and Local Business Development as a Medical Cannabis Certified Business Enterprise with an  
89 equity impact enterprise certification subcategory.

90 (i) And fifth, in a medical cannabis marketplace, products are tested for moisture content,  
91 cannabinoid potency, microbial contamination, pesticides, and other items to ensure that the  
92 product is safe and the patient can make an informed purchase. Despite years of effort to attract  
93 testing laboratory licensees, we currently do not have any testing laboratories operating in the  
94 District to test medical cannabis products from cultivation centers or manufacturers. To  
95 incentivize applications for testing laboratories, there exists an immediate need to waive the  
96 application fee, to allow ABCA to issue conditional licenses to successful testing laboratory  
97 applicants, to allow a licensed testing laboratory to test samples of medical cannabis products  
98 from qualifying patients and to allow cultivation centers and manufacturers to submit product  
99 samples to a testing laboratory for purposes of quality assurance or research and development.

100 Sec. 3. The Council of the District of Columbia determines that the circumstances  
101 enumerated in section 2 constitute emergency circumstances, making it necessary that the  
102 Medical Cannabis Clarification and Non-Resident Patient Access Emergency Amendment Act of  
103 2023 be adopted after a single reading.

104 Sec. 4. This resolution shall take effect immediately.